

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

Darrel Gustafson,)	
)	
Plaintiff,)	ORDER EXTENDING EX PARTE
)	TEMPORARY RESTRAINING ORDER
vs.)	
)	
Sandra Poitra, All Persons Unknown)	Case No. 4:09-cv-016
claiming any estate or interest in, or lien)	
or encumbrance former Belcourt Lumber)	
Yard adjacent to the One Stop Market,)	
Turtle Mountain Tribal Court, and Bureau)	
of Indian Affairs,)	
)	
Defendants.)	

On April 15, 2009, the Court granted the Plaintiff's request for a temporary restraining order against the Defendants. See Docket No. 7. Under Rule 65 of the Federal Rules of Civil Procedure, a temporary restraining order may not exceed ten days unless, within the time fixed, the order is extended for good cause shown. Fed. R. Civ. P. 65(b)(2). Upon a showing of good cause, a temporary restraining order may be extended an additional ten (10) days or the adverse party may consent to a longer extension. Fed. R. Civ. P. 65(b)(2).

The Court originally scheduled a show cause hearing for April 22, 2009. On the morning of April 22, 2009, Sandra Poitra requested a continuance because she had not been served until the day before the hearing and did not have enough time to retain an attorney. The Court ordered that the show cause hearing be re-scheduled for April 28, 2009. The Court found that "good cause" – the late service of Sandra Poitra and her inability to retain an attorney on short notice – had been shown for extending the temporary restraining order. All of the parties agreed that an extension of the temporary restraining order was warranted under the circumstances. As a result, the Court ordered that the temporary restraining order against the Defendants be extended until May 6, 2009.

At the hearing on April 28, 2009, Sandra Poitra requested another continuance as she has not yet retained an attorney. All of the parties agreed to a continuance and all parties consented to an indefinite extension of the temporary restraining order until such time as the next show cause hearing is scheduled and the Court issues a written order concerning the request for a preliminary injunction. Therefore, the Court finds that “good cause” has been shown for further extending the temporary restraining order.

The Court **ORDERS** the following:

- 1) The show cause hearing is re-scheduled for Friday, May 29, 2009, at 1:30 p.m.
- 2) Each party shall prepare a brief, limited to twenty (20) pages in length, that addresses the jurisdictional issues presented and the effect of the United States Supreme Court’s decision in Plains Commerce Bank v. Long Family Land and Cattle Co., 128 S. Ct. 2709 (2008). The briefs shall be submitted to the Court on or before May 25, 2009.
- 3) A Notice of Appearance shall be filed within one (1) week from the date of this order by any attorney(s) retained by Sandra Poitra.
- 4) The temporary restraining order against the Defendants shall be extended until such time as the show cause hearing has taken place and the Court has issued a written order on the Plaintiff’s request for a preliminary injunction.

IT IS SO ORDERED.

Dated this 30th day of April, 2009.

/s/ Daniel L. Hovland
Daniel L. Hovland, Chief Judge
United States District Court